



Pete Ricketts, Governor

**Notice of Violation**

**NOV 13 2018**

**CERTIFIED MAIL**

**Return Receipt Requested**

Mr. Brad Reader, General Manager  
Clean Harbors Environmental Services, Inc.  
2247 South Highway 71  
Kimball, NE 69145

Re: September 25-28, 2018 RCRA Compliance Evaluation Inspection  
DEQ/EPA Identification Number: NED981723513  
IIS#: 58562 RCR

Dear Mr. Reader:

On September 25-28, 2018, the Department of Environmental Quality conducted a hazardous waste Compliance Evaluation Inspection (CEI) at Clean Harbors Environmental Services, Inc. for the purpose of determining compliance with your hazardous waste permit and Title 128 – Nebraska Hazardous Waste Regulations. A copy of the inspection report is enclosed.

Based on this inspection, Clean Harbors Environmental Services, Inc. was found in violation of the following requirements:

1. Failure to accept, store, and accumulate in containers only the wastes identified in Appendix I of the permit (Part III.C.8 of the RCRA Permit). This citation refers to Observation 3 of the inspection report.
2. Failure to minimize the possibility for the unauthorized entry of persons onto the active portions of the facility (Part II.E.1 of the RCRA Permit as referenced by Title 128, Chapter 21, 002). This citation refers to Observation 5 of the inspection report.
3. Failure to make an accurate hazardous waste determination (Title 128, Chapter 4, 002). This citation refers to Observation 9.g of the inspection report.
4. Failure to separate containers holding a hazardous waste that is incompatible with other wastes or materials (Part III.H.3 of the RCRA Permit as referenced by Title 128, Chapter 21, 009). This citation refers to Observations 10 and 19 of the inspection report.



5. Failure to clearly mark each container of hazardous waste to identify its contents and the date each period of accumulation begins (Title 128, Chapter 20, 014.01B1). This citation refers to Observation 18 of the inspection report.
6. Failure to maintain and operate a continuous monitor downstream of the baghouse outlet to ensure compliance with the particulate matter emission standard specified by the permit (Part V.H.1.a of the RCRA Permit as referenced by Title 128, Chapter 14, 004.02). This citation refers to Observations 46.b and 52 of the inspection report.

In addition to the violations listed, the following areas of concern were identified:

1. The diagrams posted in the mezzanines of Building 55 listing miscellaneous equipment must be updated to include the knife shredder G-159 once that equipment is installed (reference Observation 20 of the inspection report).
2. An inspection checklist must be developed for paint can shredding Area 50F once it is in service (reference Observation 35.a).
3. The Drop Box and Cat-Vac 90-day accumulation containers in Area 80 must be listed on the inspection checklist for that area to document that weekly inspections are being conducted (reference Observation 36.d of the inspection report).

This department has determined that the following actions must be taken to address these violations and concerns. You are required to complete the following tasks and provide written confirmation of completion, or a schedule for completion subject to department approval **within 30 days** of receipt of this letter.

**Violation 1** – The 2017 Biennial Report listed three wastes received from off-site with waste codes that are not listed in Appendix 1 of the permit as approved for acceptance. These waste codes were F027 on Waste Stream 545, P081 on Waste Stream 5952, and U096, U160, U189, and U205 on Waste Stream 7872 of the WR forms. Copies of these WR forms were provided during the inspection. Provide copies of the manifests for these wastes, along with copies of the container tracking activities report for each. Additionally, provide an explanation of how these wastes were not prevented from being shipped to the Kimball facility and how it will be prevented in the future.

**Violation 2** – This violation is in reference to the security gate that was not latching correctly at the time of the inspection. This violation was corrected at the time of the inspection. No further response is necessary with regard to this violation.

**Violation 3** – At the time of the inspection, discarded lab samples were being managed as non-hazardous wastes. The exclusion for samples is found in Title 128, Chapter 2, 011 and lists the conditions under which the exclusion applies. Once these conditions no longer exist, the exclusion does not apply and the samples become a newly generated hazardous waste. This violation was corrected at the time of the inspection by designating and managing the discarded samples as hazardous waste. No further response is necessary with regard to this violation.

**Violation 4** – This violation is in reference to the fiber drum, Container #68411956 that was being stored in the oxidizer building (Area 57D) at the time of the inspection. According to the waste profile, this fiber drum contained titanocene dichloride. Several on-line references list titanocene dichloride as incompatible with strong oxidizers (see Fisher Scientific SDS enclosed as an example). Additionally, the fiber drum itself is a potentially combustible material in the presence of strong oxidizers. This drum was removed at the time of the inspection. Provide any compatibility information you may have on this waste and an explanation of how such potential incompatibilities will be prevented in the future.

**Violation 5** – This violation is in reference to a bulk container found in container storage Area 70C that was missing a label. The label was replaced at the time of the inspection. No further response is necessary with regard to this violation.

**Violation 6** – This violation is in reference to the finding that the grain loading probe AT-429A was not functioning properly for a period of approximately 32 days until the problem was corrected just prior to the end of the inspection. Appendix V of the RCRA Permit states that particulate matter (PM) emissions are monitored continuously. Provide an explanation of this probe's role in the requirement to continuously monitor PM emissions, and whether or not compliance can be confirmed by other means during this 32-day period. Also, provide an explanation of how similar incidents will be prevented in the future.

**Concern 1** – Confirm that the diagrams in the south and west mezzanines of Building 55 will be updated to include the new shredding equipment once installed.

**Concern 2** – Confirm that an inspection checklist for the equipment in Area 50F will be developed once this area is constructed and in service.

**Concern 3** – Confirm that the inspection checklist for Area 80 will be updated to include the two 90-day accumulation containers for Cat-Vac ash and Drop Box ash and provide a copy of the inspection checklist with your response.

Because several of these violations are high priority violations as defined by the department, a request for enforcement may be referred to the NDEQ Legal Services Division for appropriate action. Such action may include civil penalties pursuant to Nebraska Revised Statute §81-1508.02 of up to \$10,000.00 per violation per day.

If you have any questions regarding this letter, please contact Brian Gorman at (402) 471-4210.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.B. Haldeman', with a long horizontal flourish extending to the right.

David B. Haldeman, Administrator  
Land Management Division

DBH/bg  
Enclosure

cc: Lezah Saunders w/o enclosure  
Jim Aycock w/enclosure

## SAFETY DATA SHEET

Creation Date 19-Apr-2012

Revision Date 19-Jan-2018

Revision Number 4

### 1. Identification

**Product Name** Bis(cyclopentadienyl)titanium dichloride

**Cat No. :** AC215760000; AC215760100; AC215760500

**CAS-No** 1271-19-8

**Synonyms** No information available

**Recommended Use** Laboratory chemicals.

**Uses advised against** Not for food, drug, pesticide or biocidal product use

#### Details of the supplier of the safety data sheet

##### Company

Fisher Scientific  
One Reagent Lane  
Fair Lawn, NJ 07410  
Tel: (201) 796-7100

Acros Organics  
One Reagent Lane  
Fair Lawn, NJ 07410

#### **Emergency Telephone Number**

For information **US** call: 001-800-ACROS-01 / **Europe** call: +32 14 57 52 11

Emergency Number **US**:001-201-796-7100 / **Europe**: +32 14 57 52 99

**CHEMTREC** Tel. No.**US**:001-800-424-9300 / **Europe**:001-703-527-3887

### 2. Hazard(s) Identification

#### Classification

This chemical is considered hazardous by the 2012 OSHA Hazard Communication Standard (29 CFR 1910.1200)

Skin Corrosion/irritation	Category 2
Serious Eye Damage/Eye Irritation	Category 2
Specific target organ toxicity (single exposure)	Category 3
Target Organs - Respiratory system.	

#### Label Elements

##### **Signal Word**

Warning

##### **Hazard Statements**

Causes skin irritation

Causes serious eye irritation

May cause respiratory irritation

**Precautionary Statements****Prevention**

Wash face, hands and any exposed skin thoroughly after handling  
Wear protective gloves/protective clothing/eye protection/face protection  
Avoid breathing dust/fume/gas/mist/vapors/spray  
Use only outdoors or in a well-ventilated area

**Inhalation**

IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing  
Call a POISON CENTER or doctor/physician if you feel unwell

**Skin**

IF ON SKIN: Wash with plenty of soap and water  
If skin irritation occurs: Get medical advice/attention  
Take off contaminated clothing and wash before reuse

**Eyes**

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing  
If eye irritation persists: Get medical advice/attention

**Storage**

Store in a well-ventilated place. Keep container tightly closed  
Store locked up

**Disposal**

Dispose of contents/container to an approved waste disposal plant

**Hazards not otherwise classified (HNOC)**

None identified

**3. Composition/Information on Ingredients**

Component	CAS-No	Weight %
Titanocene dichloride	1271-19-8	>95

**4. First-aid measures****General Advice**

Show this safety data sheet to the doctor in attendance. Immediate medical attention is required.

**Eye Contact**

Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. In the case of contact with eyes, rinse immediately with plenty of water and seek medical advice.

**Skin Contact**

Wash off immediately with plenty of water for at least 15 minutes. Immediate medical attention is required.

**Inhalation**

Move to fresh air. If not breathing, give artificial respiration. Do not use mouth-to-mouth method if victim ingested or inhaled the substance; give artificial respiration with the aid of a pocket mask equipped with a one-way valve or other proper respiratory medical device. Immediate medical attention is required.

**Ingestion**

Do not induce vomiting. Call a physician or Poison Control Center immediately.

**Most important symptoms and**

## effects

## Notes to Physician

Treat symptomatically

**5. Fire-fighting measures**

**Suitable Extinguishing Media** Use extinguishing measures that are appropriate to local circumstances and the surrounding environment.

**Unsuitable Extinguishing Media** No information available

**Flash Point** No information available  
**Method -** No information available

**Autoignition Temperature** Not applicable

**Explosion Limits**

**Upper** No data available

**Lower** No data available

**Sensitivity to Mechanical Impact** No information available

**Sensitivity to Static Discharge** No information available

**Specific Hazards Arising from the Chemical**

Keep product and empty container away from heat and sources of ignition.

**Hazardous Combustion Products**

Hydrogen chloride gas Carbon monoxide (CO) Carbon dioxide (CO<sub>2</sub>)

**Protective Equipment and Precautions for Firefighters**

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear. Thermal decomposition can lead to release of irritating gases and vapors.

**NFPA**

**Health**  
2

**Flammability**  
1

**Instability**  
1

**Physical hazards**  
N/A

**6. Accidental release measures**

**Personal Precautions** Ensure adequate ventilation. Use personal protective equipment. Avoid dust formation. Keep people away from and upwind of spill/leak. Evacuate personnel to safe areas.

**Environmental Precautions** Should not be released into the environment. See Section 12 for additional ecological information.

**Methods for Containment and Clean Up** Sweep up or vacuum up spillage and collect in suitable container for disposal. Avoid dust formation.

**7. Handling and storage**

**Handling** Do not get in eyes, on skin, or on clothing. Wear personal protective equipment. Avoid dust formation. Use only under a chemical fume hood. Do not breathe vapors/dust. Do not ingest.

**Storage** Keep in a dry, cool and well-ventilated place. Keep container tightly closed. Protect from moisture. To maintain product quality: Store under an inert atmosphere.

**8. Exposure controls / personal protection**

**Exposure Guidelines** This product does not contain any hazardous materials with occupational exposure limitsestablished by the region specific regulatory bodies.

**Engineering Measures**

Ensure adequate ventilation, especially in confined areas. Ensure that eyewash stations and safety showers are close to the workstation location.

**Personal Protective Equipment**

<b>Eye/face Protection</b>	Wear appropriate protective eyeglasses or chemical safety goggles as described by OSHA's eye and face protection regulations in 29 CFR 1910.133 or European Standard EN166.
<b>Skin and body protection</b>	Long sleeved clothing.
<b>Respiratory Protection</b>	Follow the OSHA respirator regulations found in 29 CFR 1910.134 or European Standard EN 149. Use a NIOSH/MSHA or European Standard EN 149 approved respirator if exposure limits are exceeded or if irritation or other symptoms are experienced.
<b>Hygiene Measures</b>	Handle in accordance with good industrial hygiene and safety practice.

**9. Physical and chemical properties**

<b>Physical State</b>	Powder Solid
<b>Appearance</b>	Red
<b>Odor</b>	No information available
<b>Odor Threshold</b>	No information available
<b>pH</b>	< 7
<b>Melting Point/Range</b>	287 - 289 °C / 548.6 - 552.2 °F
<b>Boiling Point/Range</b>	No information available
<b>Flash Point</b>	No information available
<b>Evaporation Rate</b>	Not applicable
<b>Flammability (solid,gas)</b>	No information available
<b>Flammability or explosive limits</b>	
Upper	No data available
Lower	No data available
<b>Vapor Pressure</b>	No information available
<b>Vapor Density</b>	Not applicable
<b>Specific Gravity</b>	1.600
<b>Solubility</b>	Hydrolyses
<b>Partition coefficient; n-octanol/water</b>	No data available
<b>Autoignition Temperature</b>	Not applicable
<b>Decomposition Temperature</b>	> 287°C
<b>Viscosity</b>	Not applicable
<b>Molecular Formula</b>	C10 H10 Cl2 Ti
<b>Molecular Weight</b>	249

**10. Stability and reactivity**

<b>Reactive Hazard</b>	None known, based on information available
<b>Stability</b>	Moisture sensitive. Air sensitive.
<b>Conditions to Avoid</b>	Excess heat. Incompatible products. Exposure to moist air or water. Exposure to air.
<b>Incompatible Materials</b>	Strong oxidizing agents
<b>Hazardous Decomposition Products</b>	Hydrogen chloride gas, Carbon monoxide (CO), Carbon dioxide (CO <sub>2</sub> )
<b>Hazardous Polymerization</b>	No information available.
<b>Hazardous Reactions</b>	None under normal processing.

**11. Toxicological information****Acute Toxicity**



**Product Information** No acute toxicity information is available for this product

**Component Information**

**Toxicologically Synergistic Products** No information available

**Delayed and immediate effects as well as chronic effects from short and long-term exposure**

**Irritation** No information available

**Sensitization** No information available

**Carcinogenicity** The table below indicates whether each agency has listed any ingredient as a carcinogen.

Component	CAS-No	IARC	NTP	ACGIH	OSHA	Mexico
Titanocene dichloride	1271-19-8	Not listed	Not listed	Not listed	Not listed	Not listed

**Mutagenic Effects** No information available

**Reproductive Effects** No information available.

**Developmental Effects** No information available.

**Teratogenicity** No information available.

**STOT - single exposure** Respiratory system

**STOT - repeated exposure** None known

**Aspiration hazard** No information available

**Symptoms / effects, both acute and delayed** No information available

**Endocrine Disruptor Information** No information available

**Other Adverse Effects** The toxicological properties have not been fully investigated.

## 12. Ecological information

### Ecotoxicity

Reacts with water so no ecotoxicity data for the substance is available.

**Persistence and Degradability** Persistence is unlikely based on information available.

**Bioaccumulation/ Accumulation** No information available.

**Mobility** Is not likely mobile in the environment.

## 13. Disposal considerations

**Waste Disposal Methods** Chemical waste generators must determine whether a discarded chemical is classified as a hazardous waste. Chemical waste generators must also consult local, regional, and national hazardous waste regulations to ensure complete and accurate classification.

## 14. Transport information

**DOT** Not regulated

**TDG** Not regulated

**IATA** Not regulated

**IMDG/IMO** Not regulated

## 15. Regulatory information

All of the components in the product are on the following Inventory lists: X = listed

## International Inventories

Component	TSCA	DSL	NDSL	EINECS	ELINCS	NLP	PICCS	ENCS	AICS	IECSC	KECL
Titanocene dichloride	X	-	X	215-035-9	-		X	X	-	X	X

## Legend:

X - Listed

E - Indicates a substance that is the subject of a Section 5(e) Consent order under TSCA.

F - Indicates a substance that is the subject of a Section 5(f) Rule under TSCA.

N - Indicates a polymeric substance containing no free-radical initiator in its inventory name but is considered to cover the designated polymer made with any free-radical initiator regardless of the amount used.

P - Indicates a commenced PMN substance

R - Indicates a substance that is the subject of a Section 6 risk management rule under TSCA.

S - Indicates a substance that is identified in a proposed or final Significant New Use Rule

T - Indicates a substance that is the subject of a Section 4 test rule under TSCA.

XU - Indicates a substance exempt from reporting under the Inventory Update Rule, i.e. Partial Updating of the TSCA Inventory Data Base Production and Site Reports (40 CFR 710(B)).

Y1 - Indicates an exempt polymer that has a number-average molecular weight of 1,000 or greater.

Y2 - Indicates an exempt polymer that is a polyester and is made only from reactants included in a specified list of low concern reactants that comprises one of the eligibility criteria for the exemption rule.

U.S. Federal Regulations

TSCA 12(b) Not applicable

SARA 313 Not applicable

SARA 311/312 Hazard Categories See section 2 for more information

CWA (Clean Water Act) Not applicable

Clean Air Act Not applicable

OSHA Occupational Safety and Health Administration  
Not applicable

CERCLA Not applicable

California Proposition 65 This product does not contain any Proposition 65 chemicals

U.S. State Right-to-Know  
Regulations Not applicable

## U.S. Department of Transportation

Reportable Quantity (RQ): N  
DOT Marine Pollutant N  
DOT Severe Marine Pollutant N

## U.S. Department of Homeland Security

This product does not contain any DHS chemicals.

Other International Regulations

Mexico - Grade No information available

**16. Other Information**Prepared By Regulatory Affairs  
Thermo Fisher Scientific  
Email: EMSDS.RA@thermofisher.comCreation Date 19-Apr-2012  
Revision Date 19-Jan-2018

**Print Date**

19-Jan-2018

**Revision Summary**

SDS sections updated. 2. 3. 11. 14. 15.

**Disclaimer**

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text

**End of SDS**